



# Instructions for Petition by Investor to Remove Conditions on Permanent Resident Status

Department of Homeland Security  
U.S. Citizenship and Immigration Services

USCIS  
Form I-829  
OMB No. 1615-0045  
Expires 11/30/2021

## What Is the Purpose of Form I-829?

Form I-829 is for immigrant investors to petition to remove the conditions on their, and certain dependents', permanent resident status which they obtained based on investment in a new commercial enterprise. The petitioner must submit this petition within the 90-day period immediately preceding the second anniversary of obtaining conditional permanent resident status.

## What Happens When I File or Fail to File Form I-829?

### Effect of Filing

If U.S. Citizenship and Immigration Services (USCIS) accepts your petition before your conditional permanent resident status is terminated, your conditional permanent resident status will automatically be extended for 18 months. You will receive a filing receipt that you should carry with your Permanent Resident Card. If you travel outside the United States while this petition is pending, you will have to show, when you board a plane, ship, or other carrier to come back to the United States, that you are eligible to return. You should present both your Permanent Resident Card and the filing receipt for this petition when you return, as well as in all other situations in which you are required to provide evidence of your conditional permanent resident status.

### Effect of Not Filing

If you fail to file this petition within the 90-day period immediately preceding the second anniversary of obtaining your conditional permanent resident status, USCIS will terminate your conditional permanent resident status and you will become removable from the United States. However, if your failure to file within that 90-day period was for good cause and due to extenuating circumstances, you may file your petition late with a written explanation and request that USCIS, in its discretion, excuse your late filing.

## Who May File Form I-829?

You may use this form to request the removal of conditions on your permanent resident status if you were granted conditional permanent resident status as an investor. You may include your conditional permanent resident spouse or former spouse and children in your petition. If your spouse and children are not included on this Form I-829 petition, each dependent must file his or her own petition separately. Your spouse and children cannot be included together on a Form I-829 petition if they are not filing with you, the principal investor. However, the surviving spouse and children may be included together on a Form I-829 petition if the principal investor has died.

If you are the conditional permanent resident child of an investor and you have reached 21 years of age or married during the period of conditional permanent residency, or if you are the former conditional permanent resident spouse of an investor, who was divorced from the investor during the period of conditional permanent residence, you may still be included in the investor's petition or you may choose to file a separate petition.

**NOTE:** If you are filing a separate petition from the investor, you should attach a copy of the investor's Form I-797, Notice of Action, relating to his or her I-829 petition.

If you obtained conditional permanent resident status through your investor spouse or parent, and that spouse or parent has died, you may use this form to petition for removal of the conditions on your permanent resident status.

## General Instructions

USCIS provides forms free of charge through the USCIS website. In order to view, print, or fill out our forms, you should use the latest version of Adobe Reader, which you can download for free at <http://get.adobe.com/reader/>. If you do not have Internet access, you may call the USCIS Contact Center at **1-800-375-5283** and ask that we mail a form to you. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

**Signature.** Each petition must be properly signed and filed. For all signatures on this petition, USCIS will not accept a stamped or typewritten name in place of a signature. If you are under 14 years of age, your parent or legal guardian may sign the petition on your behalf. A legal guardian may also sign for a mentally incompetent person.

**Filing Fee.** Each petition must be accompanied by the appropriate filing fee. (See the **What Is the Filing Fee** section of these Instructions.)

**Evidence.** At the time of filing, you must submit all evidence and supporting documentation listed in the **Specific Instructions** and/or **What Evidence Must You Submit** sections of these Instructions.

**Biometric Services Appointment.** USCIS may require that you appear for an interview or provide fingerprints, photograph, and/or signature at any time to verify your identity, obtain additional information, and conduct background and security checks, including a check of criminal history records maintained by the Federal Bureau of Investigation (FBI), before making a decision on your application, petition, or request. After USCIS receives your petition and ensures it is complete, we will inform you in writing if you need to attend a biometric services appointment. If an appointment is necessary, the notice will provide you the location of your local or designated USCIS Application Support Center (ASC) and the date and time of your appointment or, if you are currently overseas, instruct you to contact a U.S. Embassy, U.S. Consulate, or USCIS office outside the United States to set up an appointment.

If you are required to provide biometrics, at your appointment you must sign an oath reaffirming that:

1. You provided or authorized all information in the petition;
2. You reviewed and understood all of the information contained in, and submitted with, your petition; and
3. All of this information was complete, true, and correct at the time of filing.

If you fail to attend your biometric services appointment, USCIS may deny your petition.

**Copies.** You should submit legible **photocopies** of documents requested, unless the Instructions specifically state that you must submit an original document. USCIS may request an original document at the time of filing or at any time during processing of an application, petition, or request. If USCIS requests an original document from you, it will be returned to you after USCIS determines it no longer needs your original.

**NOTE:** If you submit original documents when not required or requested by USCIS, **your original documents may be immediately destroyed upon receipt.**

**Translations.** If you submit a document with information in a foreign language, you must also submit a full English translation. The translator must sign a certification that the English language translation is complete and accurate, and that he or she is competent to translate from the foreign language into English. The certification must include the translator's signature. DHS recommends the certification contain the translator's printed name and the date and the translator's contact information.

**Delivery Information.** If your application is approved, your ensuing secure identity document (for example: Permanent Resident Card, Employment Authorization Document, Travel Document) may be delivered using the United States Postal Service's (USPS) Signature Confirmation Restricted Delivery (SCRD) service. If SCRD is used for delivery, you will be required to sign for delivery of your document. You must provide identification as requested by USPS. If you are not able to sign for your document, you may designate an agent to sign on your behalf. To do this you must complete the US Postal Service Form 3801 and submit it to your local Post Office. Alternatively, if you would like your attorney or accredited representative to receive the document, please ensure that a Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, has been filed with USCIS.

## How To Fill Out Form I-829

1. Type or print legibly in black ink.
2. If you need extra space to complete any item within this petition, use the space provided in **Part 12. Additional Information** or attach a separate sheet of paper; type or print your name and Alien Registration Number (**A-Number**) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.
3. Answer all questions fully and accurately. If a question does not apply to you (for example, if you have never been married and the question asks "Provide the name of your current spouse"), type or print "N/A," unless otherwise directed. If your answer to a question which requires a numeric response is zero or none (for example, "How many children do you have" or "How many times have you departed the United States"), type or print "None," unless otherwise directed.

## Specific Instructions

### Part 1. Basis for Petition

**Item Number 1. Investment Type.** Indicate whether the investor's investment is associated with a regional center that was designated at the time the investor became a conditional permanent resident.

**Item Numbers 2.a. and 2.b. Name and Identification Number of the Regional Center (RC).** If the investor's investment is associated with a designated regional center, provide the full legal name of the regional center and the identification number of the regional center.

**Item Numbers 3.a. and 3.b. Name and Identification Number of the New Commercial Enterprise (NCE).** Provide the full legal name of the NCE in which the investor invested. (**NOTE:** This is a required field. Do not leave it blank.) Indicate the NCE Identification Number.

**Item Numbers 4. - 6. Petition Type.** Select **only one** box that indicates the basis for your petition.

### Part 2. Information About You

**Item Numbers 1.a. - 1.c. Your Full Name.** Provide your full legal name in the spaces provided.

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**Item Number 2. Alien Registration Number (A-Number).** Provide your A-Number. Your A-Number is the number used to identify your immigration records. You may find this number on documents you received from USCIS (such as your Permanent Resident Card), U.S. Immigration and Customs Enforcement (ICE), or the Executive Office for Immigration Review (EOIR) during immigration court proceedings. If you have more than one A-Number, use the space provided in **Part 12. Additional Information** to list all the A-Numbers that have been assigned to you.

**Item Number 3. USCIS Online Account Number.** If you have previously filed an application, petition, or request using the USCIS online filing system (previously called USCIS Electronic Immigration System (USCIS ELIS)), provide the USCIS Online Account Number you were issued by the system. You can find your USCIS Online Account Number by logging in to your account and going to the profile page. If you previously filed certain applications, petitions, or requests on a paper form via a USCIS Lockbox facility, you may have received a USCIS Online Account Access Notice issuing you a USCIS Online Account Number. If you received such a notice, your USCIS Online Account Number can be found at the top of the notice. If you were issued a USCIS Online Account Number, enter it in the space provided. The USCIS Online Account Number is not the same as an A-Number.

**Item Number 4. U.S. Social Security Number.** Provide your U.S. Social Security Number, if you have one. If you have been issued or have previously used more than one Social Security Number, use the space provided in **Part 12. Additional Information** to list all the Social Security Numbers that have been issued to you or that you have previously used.

**Item Number 5. Date of Birth.** Provide your date of birth in a mm/dd/yyyy format.

**Item Number 6. Gender.** Indicate whether you are male or female.

**Item Number 7. Country of Birth.** Provide the name of the country where you were born.

**Item Number 8. Country of Citizenship or Nationality.** Provide the name of the country where you are a citizen and/or national. This is not necessarily the country where you were born. If you do not have citizenship in any country, type or print “stateless” and provide an explanation in **Part 12. Additional Information**.

**Item Number 9. Date of Admission as a Conditional Permanent Resident.** Provide the date you first entered the United States as a conditional permanent resident or the date you adjusted status. Refer to the date listed as “Resident Since” on your Form I-551, Permanent Resident Card.

**Item Number 10. Form I-526 Receipt Number.** Provide the receipt number for the approved Form I-526, Immigrant Petition by Alien Investor, on which this petition is based.

**Item Number 11. Additional Form I-526 or I-829 Receipt Numbers.** Provide the receipt numbers for any additional Form I-526, Immigrant Petition by Alien Investor, or Form I-829, Petition by Investor to Remove Conditions to Permanent Resident Status, filed by the investor.

**Item Numbers 12.a. - 13.c. Other Names You Have Used** (including maiden names, nicknames, and aliases, if any). Provide all the names you have ever used, including maiden names, married names, nicknames and aliases, in the spaces provided. Use the space provided in **Part 12. Additional Information** to provide additional names.

**Item Numbers 14.a. - 14.f. Your U.S. Mailing Address.** Provide the address where you would like to receive printed notices about your petition. If your petition is approved, this is also the address that USCIS will use to mail your new Permanent Resident Card.

**NOTE:** Do not provide a PO Box or the address of your attorney or accredited representative.

**Item Number 15. Your Physical Address.** Indicate whether your physical address is the same as the mailing address you provided in **Item Numbers 14.a. - 14.f.**

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**Item Numbers 16.a. - 16.h. Your Physical Address.** If you answered “No” to **Item Number 15.**, you must provide your current physical address, the address where you live.

**Item Numbers 17. - 18. Criminal History.** Indicate whether you have ever been arrested, cited, charged, indicted, convicted, fined, or imprisoned for violating any law or ordinance. Also, indicate if you have ever committed any crime for which you were not arrested.

**NOTE:** If you answered “Yes” to **Item Number 17.**, you must provide certified court dispositions, arrest reports, statements of charges, indictment information, and any other charging documents that were issued. If you answered “Yes” to **Item Number 18.**, you must provide the date and location (town or city, state or province, and country) of the events and provide an explanation in **Part 12. Additional Information.**

See the **What Evidence Must You Submit** section of these Instructions for information on required documents.

### **Part 3. Information About Your Current or Former Conditional Permanent Resident Spouse**

If you are the investor, provide information about your current spouse or former conditional permanent resident spouse.

**NOTE:** The former conditional permanent resident spouse of an investor, who was divorced from the investor during the period of conditional permanent residence, may be included in the petition or may file a separate petition.

If you are the current spouse or former conditional permanent resident spouse of an investor and you are filing a separate I-829 petition, provide information about your current or former investor spouse.

**NOTE:** If you have both a current spouse and a former conditional permanent resident spouse, use the space provided in **Part 12. Additional Information** to provide this same information about your current spouse or former conditional permanent resident spouse who you did not already include in the spaces provided in **Part 3.**

**Item Numbers 1.a. - 1.c. Your Current or Former Conditional Permanent Resident Spouse’s Full Name.** Provide your current or former conditional permanent resident spouse’s full legal name in the spaces provided.

**Item Number 2. Gender.** Indicate whether your current or former conditional permanent resident spouse is a male or female.

**Item Number 3. A-Number.** Provide your current or former conditional permanent resident spouse’s A-Number, if any. If your current spouse or former conditional permanent resident spouse has more than one A-Number, use the space provided in **Part 12. Additional Information** to list all the A-Numbers that have been assigned to him or her.

**Item Number 4. USCIS Online Account Number.** If your current or former conditional permanent resident spouse previously filed an application, petition, or request using the USCIS online filing system (previously called USCIS Electronic Immigration System (USCIS ELIS)), provide his or her USCIS Online Account Number. You can find his or her USCIS Online Account Number by logging in to his or her account and going to the profile page. If he or she previously filed certain applications, petitions, or requests on a paper form via a USCIS Lockbox facility, he or she may have received a USCIS Online Account Access Notice issuing his or her USCIS Online Account Number. If he or she received such a notice, his or her USCIS Online Account Number can be found at the top of the notice. If he or she was issued a USCIS Online Account Number, enter it in the space provided. The USCIS Online Account Number is not the same as an A-Number.

**Item Number 5. Date of Birth.** Provide your current or former conditional permanent resident spouse’s date of birth in a mm/dd/yyyy format.

**Item Numbers 6.a. - 7.c. Other Names Used** (including maiden names, nicknames, and **aliases**). Provide all the names that your current or former conditional permanent resident spouse has ever used, including maiden names, married names, nicknames and aliases, in the spaces provided. Use the space provided in **Part 12. Additional Information** to provide additional names.

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**Item Numbers 8.a. - 8.h. Physical Address.** Provide your current or former conditional permanent resident spouse's physical address.

**Item Numbers 9. - 11. Marital Status.** Indicate whether the person listed in this section is your current or former conditional permanent resident spouse and provide the date of your marriage as well as the date of the termination of your marriage, if applicable.

**Item Numbers 12. - 13. Residing and Applying Together.** Indicate whether your current or former conditional permanent resident spouse is currently living with you and whether or not he or she is applying with you to remove the conditions on his or her permanent resident status. If dependents are not included, they must file a Form I-829 separately and as an individual petitioner.

**Item Numbers 14. - 15. Current Immigration Status.** Provide your current or former conditional permanent resident spouse's immigration status (for example, conditional permanent resident, tourist/visitor, entered without inspection.) Also, indicate whether your current or former conditional permanent resident spouse's immigration status is based on your current immigration status.

See the **What Evidence Must You Submit** section of these Instructions for information on required documents.

#### **Part 4. Information About Your Children**

Provide information about ALL of your children including biological children, stepchildren, and adoptive children, regardless of age.

**Item Numbers 1.a. - 1.c. Your Child's Full Name.** Provide your child's full legal name in the spaces provided.

**Item Number 2. Gender.** Indicate whether your child is male or female.

**Item Number 3. A-Number.** Provide your child's **A-Number**. If your child has more than one A-Number, use the space provided in **Part 12. Additional Information** to list all the A-Numbers that have been assigned to him or her.

**Item Number 4. USCIS Online Account Number.** If your child previously filed an application, petition, or request using the USCIS online filing system (previously called USCIS Electronic Immigration System (USCIS ELIS)), provide his or her USCIS Online Account Number. You can find his or her USCIS Online Account Number by logging in to his or her account and going to the profile page. If he or she previously filed certain applications, petitions, or requests on a paper form via a USCIS Lockbox facility, he or she may have received a USCIS Online Account Access Notice issuing his or her USCIS Online Account Number. If he or she received such a notice, his or her USCIS Online Account Number can be found at the top of the notice. If he or she was issued a USCIS Online Account Number, enter it in the space provided. The USCIS Online Account Number is not the same as an A-Number.

**Item Number 5. Date of Birth.** Provide your child's date of birth in a mm/dd/yyyy format.

**Item Numbers 6.a. - 6.c. Other Names Used** (including maiden names, nicknames, and aliases, if any). Provide all the names that your child has ever used, including maiden names, married names, nicknames, and aliases, in the spaces provided.

**Item Numbers 7.a. - 7.h. Mailing Address.** Provide your child's mailing address.

**Item Numbers 8. - 9. Residing and Applying Together.** Indicate whether your child is currently living with you and whether or not he or she is applying with you to remove the conditions on his or her permanent resident status. If dependents are not included, they must file a Form I-829 separately and as an individual petitioner.

**Item Number 10. Current Immigration Status.** Provide your child's current immigration status (for example, conditional permanent resident, tourist/visitor, in the country without inspection.)

See the **What Evidence Must You Submit** section of these Instructions for information on required documents.

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**NOTE:** If you have more than one child, provide the same information for each child in the spaces provided for **Child 2**, **Child 3**, and **Child 4** as applicable. If you have more than four children, use the space provided in **Part 12. Additional Information** to list each additional child and provide the same information.

## **Part 5. Biographic Information**

Provide the biographic information requested in **Part 5., Item Numbers 1. - 6.** Providing this information as part of your petition may reduce the time you spend at your USCIS ASC appointment as described in the **Biometric Services Appointment** section of these Instructions.

**Item Numbers 1. - 2. Ethnicity and Race.** Select the boxes that best describe your ethnicity and race.

### **Categories and Definitions for Ethnicity and Race**

- 1. Hispanic or Latino.** A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. (**NOTE:** This category is only included under Ethnicity in **Part 5., Item Number 1.**)
- 2. White.** A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.
- 3. Asian.** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- 4. Black or African American.** A person having origins in any of the black racial groups of Africa.
- 5. American Indian or Alaska Native.** A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.
- 6. Native Hawaiian or Other Pacific Islander.** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

**Item Number 3. Height.** Select the values that best match your height in feet and inches. For example, if you are five feet and nine inches, select “5” for feet and “09” for inches. Do not enter your height in meters or centimeters.

**Item Number 4. Weight.** Enter your weight in pounds. If you do not know your weight, or if you need to enter a weight that is under 30 pounds or over 699 pounds, enter “000.” Do not enter your weight in kilograms.

**Item Number 5. Eye Color.** Select the box that best describes the color of your eyes.

**Item Number 6. Hair Color.** Select the box that best describes the color of your hair.

## **Part 6. Additional Information About the Regional Center and the New Commercial Enterprise (NCE)**

**Item Numbers 1. - 2. Additional Information About the Regional Center** (if applicable). Provide the receipt number for the approved Form I-924, Application For Regional Center Designation Under the Immigrant Investor Program, either for the initial designation of the regional center or a subsequent amendment, upon which the Form I-526, Immigrant Petition by Alien Investor, was based (if applicable). In addition, indicate whether the regional center associated with the investor’s investment has been terminated.

**Item Numbers 3.a. - 5. Physical Address and Contact Information for the NCE.** Provide the U.S. physical business address and contact information for the NCE, including telephone number (with area code) and internet address (if established). The physical business address should be the location of the job creating project, if applicable.

**Item Number 6. Included Industries.** Provide the North American Industry Classification System (NAICS) code or codes for all industries included in the NCE and/or the Job Creating Entity (JCE) (as applicable).

**Item Number 7. IRS Tax ID.** Provide the Internal Revenue Service (IRS) Taxpayer Identification Number for the NCE.

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**Item Number 8. Date Business Established.** Provide the date that the NCE was established in a mm/dd/yyyy format.

**Item Number 9. Date of the Investor's Initial Investment.** Provide the date of the investor's initial investment in the NCE in a mm/dd/yyyy format.

**Item Number 10. Amount of the Investor's Initial Investment.** Indicate the amount of capital the investor initially invested in the NCE.

**Item Numbers 11.a. - 11.c. Subsequent Investments in the NCE.** If the investor has made additional investments in the NCE since the initial investment, provide the dates, amounts, and types of investments (for example, cash, equipment, inventory, other tangible property, cash equivalents, or qualifying indebtedness as described in 8 Code of Federal Regulations (CFR) section 204.6(e)) the investor has made in the NCE since the investor's initial investment.

**Item Number 12. Amount of Capital Investment Sustained in the NCE.** Indicate the total amount of capital investment sustained in the NCE by the petitioner throughout the petitioner's period of conditional residence in the United States.

**Item Number 13. Changes in Assets of NCE.** Indicate whether the NCE has sold any of its assets, including but not limited to investment securities and real property, and distributed the proceeds of the sale to any of its equity holders, or had any other capital distributions or withdrawals since the date of the investor's initial investment. If you answered "Yes" to **Item Number 13.**, provide an explanation in the space provided in **Part 12. Additional Information.**

**Item Number 14. Total Amount of Capital Invested by EB-5 Investors.** Indicate the total amount of capital that has been invested in the NCE by all EB-5 investors at the time of filing this petition.

**Item Number 15. Total Number of EB-5 Investors.** Indicate the total number of EB-5 investors associated with the NCE at the time of filing this petition.

**Item Number 16. Changes to NCE.** Indicate whether the commercial enterprise has filed for bankruptcy, ceased business operations, materially changed the nature of the business, or had any changes in its business organization or ownership since the date of the investor's initial investment. Also, indicate if there have been any criminal or civil proceedings against the NCE or any of its owners, officers, directors, general partners, managers or other persons with a similar interest or in a similar position of authority for the NCE involving fraud or other unlawful activity. If you answered "Yes" to **Item Number 16.**, provide an explanation in the space provided in **Part 12. Additional Information.**

#### **Part 7. Information About the Job Creating Entity (JCE)**

**Item Numbers 1. - 6.e. Name and Location of the JCE.** Provide the full legal name of the JCE. In addition, provide the physical business address for the JCE. The physical business address should be the location of the job creating project. If there are multiple JCEs, please provide the requested information for each JCE. If you need extra space to complete this section, use the space provided in **Part 12. Additional Information.**

**Item Number 7. Changes to JCE.** Indicate whether the JCE has filed for bankruptcy, ceased business operations, materially changed the nature of the business, or had any changes in its business organization or ownership since the date of the investor's initial investment. Also, indicate if there have been any criminal or civil proceedings against the JCE or any of its owners, officers, directors, general partners, managers or other persons with a similar interest or in a similar position of authority for the JCE involving fraud or other unlawful activity. If you answered "Yes" to **Item Number 7.**, provide an explanation in the space provided in **Part 12. Additional Information.**

#### **Part 8. Information About Job Creation**

**Item Numbers 1.a. - 1.d. Direct Job Creation.** Indicate the number of full-time direct and qualifying employees in the NCE at the time of the investor's initial investment and also indicate how many current full-time direct and qualifying employees the NCE employed at the time of filing this petition and the difference between these two numbers.



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A direct and qualifying employee is an individual who provides services or labor for the NCE, who receives wages or other remuneration directly from the NCE, and who is a United States citizen, a lawful permanent resident, or other immigrant lawfully authorized to be employed in the United States. This includes, but is not limited to, a conditional resident, an asylee, a refugee, or an alien remaining in the United States under suspension of deportation. This definition does not include the investor, his or her spouse or sons or daughters, or any nonimmigrant alien. Also, this definition does not include independent contractors. 8 CFR 204.6(e).

If applicable, provide the amount of capital that was used by the NCE that was not funded by EB-5 investors.

**Item Numbers 2.a. - 2.c. Indirect Job Creation** (if applicable). Indicate how many new full-time economically direct jobs, indirect jobs, and induced jobs have been created as a result of all capital investment from EB-5 investors made in accordance with the business plan presented with the Form I-526. If the petition is relying on indirect jobs, it is necessary to indicate the reasonable methodology used to calculate job creation in **Part 12. Additional Information**.

If applicable, provide the amount of EB-5 capital from EB-5 investors that the NCE transferred to the JCEs for the job creation. In addition, provide the amount of capital that was used by the JCE that was not funded by investors who received or are seeking classification as an alien investor.

**Item Numbers 3. - 4.b. Troubled Business.** Indicate whether or not the investment was made or is being made into a troubled business. If the investment was made into a troubled business, list the number of full-time, qualifying positions that were maintained as a result of the investment. Also, indicate the number of full-time, qualifying positions that were created as a result of the investment.

A troubled business means a business that has been in existence for at least 2 years, has incurred a net loss for accounting purposes (based on generally accepted accounting principles) during the 12 or 24-month period before the priority date on the investor's Form I-526, and the loss for that period is at least equal to 20 percent of the troubled business' net worth prior to the loss. For purposes of determining whether or not the troubled business has existed for at least two years, successors in interest to the troubled business will be deemed to have been in existence for the same period of time as the business they succeeded.

**Item Number 5. Job Creation Within a Reasonable Time.** If ten full-time jobs for qualifying employees have not yet been created, indicate how many full-time jobs will be created within a reasonable time of the filing of this petition.

**Item Number 6. Changes to Business Plan.** Indicate whether the investor made an investment and created jobs in the United States according to the business plan presented with the Form I-526. If you answered "No" to **Item Number 6.**, use the space provided in **Part 12. Additional Information** to provide an explanation of the changes made to the original business plan submitted with the approved Form I-526.

## **Part 9. Petitioner's Statement, Contact Information, Declaration, Certification, and Signature**

**Item Numbers 1.a. - 6.b.** Select the appropriate box to indicate whether you read this petition yourself or whether you had an interpreter assist you. If someone assisted you in completing the petition, select the box indicating that you used a preparer. Further, you must sign and date your petition and provide your daytime telephone number, mobile telephone number (if any), and email address (if any). Every petition **MUST** contain the signature of the petitioner (or parent or legal guardian, if applicable). A stamped or typewritten name in place of a signature is not acceptable.

## **Part 10. Interpreter's Contact Information, Certification, and Signature**

**Item Numbers 1.a. - 7.b.** If you used anyone as an interpreter to read the Instructions and questions on this petition to you in a language in which you are fluent, the interpreter must fill out this section, provide his or her name, the name and address of his or her business or organization (if any), his or her daytime telephone number, his or her mobile telephone number (if any), and his or her email address (if any). The interpreter must sign and date the petition.

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## Part 11. Contact Information, Declaration, and Signature of the Person Preparing this Petition, if Other Than the Petitioner

**Item Numbers 1.a. - 8.b.** This section must contain the signature of the person who completed your petition, if other than you, the petitioner. If the same individual acted as your interpreter **and** your preparer, that person should complete both **Part 10.** and **Part 11.** If the person who completed this petition is associated with a business or organization, that person should complete the business or organization name and address information. Anyone who helped you complete this petition **MUST** sign and date the petition. A stamped or typewritten name in place of a signature is not acceptable. If the person who helped you prepare your petition is an attorney or accredited representative, he or she may be obliged to also submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, along with your petition.

## Part 12. Additional Information

**Item Numbers 1.a - 7.d.** If you need extra space to provide any additional information within this petition, use the space provided in **Part 12. Additional Information.** If you need more space than what is provided in **Part 12.,** you may make copies of **Part 12.** to complete and file with your petition, or attach a separate sheet of paper. Type or print your name and **A-Number** at the top of each sheet; indicate the **Page Number, Part Number,** and **Item Number** to which your answer refers; and sign and date each sheet.

**We recommend that you print or save a copy of your completed petition to review in the future and for your records. We recommend that you review your copy of your completed petition before you come to your biometric services appointment at a USCIS ASC.** At your appointment, USCIS will permit you to complete the petition process only if you are able to confirm, under penalty of perjury, that all of the information in your petition is complete, true, and correct. If you are not able to make that attestation in good faith at that time, USCIS will require you to return for another appointment.

## What Evidence Must You Submit?

You must submit all evidence requested in these Instructions with your petition. If you fail to submit required evidence, USCIS may reject or deny your petition for failure to submit requested evidence or supporting documents in accordance with 8 CFR 103.2(b)(1) and these Instructions.

### 1. Evidence of Conditional Permanent Resident Status

Submit a copy of the front and back of your Permanent Resident Card (Green Card) and copies of the Permanent Resident Cards for your spouse or former spouse and each child who is applying with you to remove the conditions on their permanent resident status.

### 2. Evidence Related to the Investor's Commercial Enterprise, Investments, and Job Creation

Submit and label the following types of evidence with your petition:

- A. Evidence that the investor invested or was actively in the process of investing the requisite amount of capital.** Such evidence includes, but is not limited to, audited financial statements, bank statements, investment agreements or other probative evidence;
- B. Evidence that the investor sustained their investment in the NCE throughout the period of conditional permanent residence.** Examples of such evidence includes, but is not limited to, invoices and receipts, bank statements, contracts, business licenses, federal or state income tax returns or quarterly tax statements, audited financial statements or other probative evidence;

**C. Evidence that the investor’s investment created or can be expected to create, within a reasonable time, 10 full-time jobs for qualifying employees.** In the case of a troubled business, you must submit evidence that the NCE maintained the number of existing employees at no less than the pre-investment level during the period of your conditional permanent residence. Such evidence includes, but is not limited to, payroll records, tax documents, copies of Form I-9, or other probative evidence. If indirect job creation is claimed based upon reasonable methodologies, evidence supporting the inputs used in such methodologies includes, but is not limited to, payroll records, tax documents, invoices and receipts, purchase agreements, bank statements, or other probative evidence.

**3. Evidence for Petitioners Filing as a Former Spouse or as a Spouse or Child Whose Investor Spouse or Parent has Died**

Submit the following with your petition:

- A.** Your former spouse’s, current spouse’s, or parent’s Permanent Resident Card (Green Card);
- B.** Your former spouse’s, current spouse’s, or parent’s divorce decree or death certificate if applicable; and
- C.** Evidence listed above in “**Evidence Related to the Investor’s Commercial Enterprise, Investments, and Job Creation.**”

**4. Evidence of Criminal History**

**If you have ever:**

- A.** Been **arrested or detained** by any law enforcement officer for any reason since becoming a conditional permanent resident, **and no charges were filed**, submit an original official statement by the arresting agency or applicable court order confirming that no charges were filed.
- B.** Been **arrested or detained** by any law enforcement officer for any reason since becoming a conditional permanent resident, **and charges were filed, or if charges were filed without an arrest**, submit an original or court-certified copy of the complete incident record. The record must show the disposition for each incident (such as a dismissal order, conviction record, or acquittal order.)
- C.** Been **convicted or placed in an alternative sentencing program or rehabilitative program** (such as a drug treatment or community service program) since becoming a conditional permanent resident, submit an original or court-certified copy of the sentencing record for each incident. Also, submit evidence of the completion of the sentence, such as an original or certified copy of the probation or parole record or record of the completion of an alternative sentencing program or rehabilitative program.
- D.** Had **any arrest or conviction vacated, set aside, sealed, expunged, or otherwise removed from your or their record** since becoming a conditional permanent resident, submit an original or court-certified copy of the court order removing the arrest or conviction. Submit an original statement from the court that no record exists of the arrest or conviction.

**NOTE:** You do not need to submit documentation for traffic offenses involving no arrest where the penalties were less than a \$500 fine, points on a driver’s license, or both. You must, however, submit documentation if a traffic incident involved alcohol or drugs, regardless of the penalty.

**What Is the Filing Fee?**

The filing fee for Form I-829 is **\$3,900**.

**NOTE:** filing **fee is** not refundable, regardless of any action USCIS takes on this petition. **DO NOT MAIL CASH.** You must submit all fees in the exact amounts.

Use the following guidelines when you prepare your **check** or money **order** for the Form I-829 filing **fee**:

1. The check or money order must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; **and**
2. Make the **check** or money **order** payable to U.S. Department of Homeland Security **U.S. Department of Homeland Security**.

**NOTE:** Spell out U.S. Department of Homeland Security; do not use the initials “USDHS” or “DHS.”

**Notice to Those Making Payment by Check.** If you send us a check, USCIS will convert it into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours and your bank will show it on your regular account statement.

You will not receive your original check back. We will destroy your original check, but will keep a copy of it. If USCIS cannot process the EFT for technical reasons, you authorize us to process the copy in place of your original check. If the check is returned as unpayable, **we may reject your petition.**

#### **How to Check if the Fees Are Correct**

Form I-829’s filing **fee** is current as of the edition date in the lower-left corner of this page. However, because USCIS fees change periodically, you can verify that the fees are correct by following one of the steps below.

1. Visit the USCIS website at [www.uscis.gov](http://www.uscis.gov), select “FORMS,” and find the appropriate fee; or
2. Call the USCIS Contact Center at **1-800-375-5283** and ask for fee information. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

#### **Where To File?**

Please see our website at [www.uscis.gov/I-829](http://www.uscis.gov/I-829) or call our Contact Center at **1-800-375-5283** for the most current information about where to file this petition. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

#### **Address Change**

A petitioner who is not a U.S. citizen must notify USCIS of his or her new address within 10 days of moving from his or her previous residence. For information on filing a change of address go to the USCIS website at [www.uscis.gov/addresschange](http://www.uscis.gov/addresschange) or contact the USCIS Contact Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

**NOTE:** Do not submit a change of address form to USCIS Lockbox facilities because the Lockbox does not process change of address requests.

#### **Processing Information**

You must have a United States address to file this petition.

**Initial Processing.** Once USCIS accepts your petition, we will check it for completeness. If you do not completely fill out this petition, you will not establish a basis for your eligibility, and USCIS may reject or deny your petition.

**Requests for More Information.** We may request that you provide more information or evidence to support your petition. We may also request that you provide the originals of any copies you submit. If USCIS requests an original document from you, it will be returned to you after USCIS determines it no longer needs your original.

**Requests for Interview.** We may request that you appear at a USCIS office for an interview based on your petition. At the time of any interview or other appearance at a USCIS office, we may require that you provide your fingerprints, photograph, and/or signature to verify your identity and/or update background and security checks.

**Decision.** The decision on Form I-829 involves a determination whether you have established eligibility for the removal of conditions on your permanent resident status. USCIS will notify you of the decision in writing.

## USCIS Forms and Information

To ensure you are using the latest version of this petition, visit the USCIS website at [www.uscis.gov](http://www.uscis.gov) where you can obtain the latest USCIS forms and immigration-related information. If you do not have internet access, you may order USCIS forms by calling the USCIS Contact Center at **1-800-375-5283**. The USCIS Contact Center provides information in English and Spanish. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Instead of waiting in line for assistance at your local USCIS office, you can schedule an appointment online at [www.uscis.gov](http://www.uscis.gov). Select “Tools,” then under “Self Service Tools,” select “Appointments” and follow the screen prompts to set up your appointment. Once you finish scheduling an appointment, the system will generate an appointment notice for you.

## Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with your Form I-829, we will deny your Form I-829 and may deny any other immigration benefit. In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

## USCIS Compliance Review and Monitoring

By signing this petition, you have stated under penalty of perjury (28 U.S.C. section 1746) that all information and documentation submitted with this petition are complete, true, and correct. You also authorize the release of any information from your records that USCIS may need to determine your eligibility for the immigration benefit you are seeking and consent to USCIS verifying such information.

The Department of Homeland Security (DHS) has the authority to verify any information you submit to establish eligibility for the immigration benefit you are seeking at any time. USCIS’ legal authority to verify this information is in 8 U.S.C. sections 1103, 1153, and 1186b, and 8 CFR parts 103, 204, and 2146. To ensure compliance with applicable laws and authorities, USCIS may verify information before or after your case is decided.

Agency verification methods may include, but are not limited to: review of public records and information; contact via written correspondence, the Internet, facsimile, other electronic transmission, or telephone; unannounced physical site inspections of residences and locations of employment; and interviews. USCIS will use information obtained through verification to assess your compliance with the laws and to determine your eligibility for an immigration benefit.

Subject to the restrictions under 8 CFR 103.2(b)(16), USCIS will provide you with an opportunity to address any adverse or derogatory information that may result from a USCIS compliance review, verification, or site visit after a formal decision is made on your case or after the agency has initiated an adverse action which may result in revocation or termination of an approval.

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## DHS Privacy Notice

**AUTHORITIES:** The information requested on this petition, and associated evidence, is collected under the Immigration and Nationality Act sections 101, 103, 203, 216A, and 237, and the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, Pub. L. No. 102-395, sections 610, 106 Stat 1828, 1874 (1992) (as amended).

**PURPOSE:** The primary purpose for providing the requested information on this petition is to determine if you have established eligibility to remove the conditions on your permanent resident status, and/or your spouse, former spouse or child is eligible for removal of conditions on their permanent resident status. DHS will use the information you provide to grant or deny the immigration benefit you are seeking.

**DISCLOSURE:** The information you provide is voluntary. However, failure to provide the requested information, including your Social Security number (if applicable), and any requested evidence, may delay a final decision or result in a rejection or denial of your petition.

**ROUTINE USES:** DHS may share the information you provide on this petition and any additional requested evidence with other Federal, state, local, and foreign government agencies and authorized organizations. DHS follows approved routine uses described in the associated published system of records notices [DHS/USCIS-001 – Alien File and National File Tracking System of Records and DHS/USCIS-007 – Benefits Information System] and published privacy impact assessment [DHS/PIA/USCIS-016(a) Computer Linked Application Information Management System and Associated Systems], which you can find at [www.dhs.gov/privacy](http://www.dhs.gov/privacy). DHS may also share the information, as appropriate, for law enforcement purposes or in the interest of national security.

## Paperwork Reduction Act

An agency may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information, unless it displays a currently valid Office of Management and Budget (OMB) control number. The public reporting burden for this collection of information is estimated at 4 hours per response, including the time for reviewing instructions, gathering the required documentation and information, completing the petition, preparing statements, attaching necessary documentation, and submitting the petition. The collection of biometrics is estimated to require 1 hour and 10 minutes. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2140; OMB No. 1615-0045. **Do not mail your completed Form I-829 to this address.**